

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD W. McCABE, }  
Petitioner, }  
v. } Civil Action No. 09-109 Erie  
FRANCISCO J. QUINTANA, }  
Respondents. }

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on May 12, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 18], filed on February 10, 2011, recommended that the Petitioner's Petition for Writ of Habeas Corpus be denied. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on the Petitioner by certified mail and on the Respondent. No objections were filed. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 1<sup>st</sup> day of March, 2011;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DENIED.

The Report and Recommendation [ECF No. 18] of Magistrate Judge Baxter, filed on February 10, 2011 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge